

REISSUE APPLICATION DECLARATION BY THE ASSIGNEE		Docket Number (optional) 7836-91082
<p>I hereby declare that:</p> <p>The residence, mailing address and citizenship of the inventors are stated below.</p> <p>I am authorized to act on behalf of the following assignee: <u>Andrew Corporation</u></p> <p>and the title of my position with said assignee is: <u>Assistant Secretary</u></p> <p>The entire title to the patent identified below is vested in said assignee.</p>		
<p>Inventor <u>Peter Mailandt</u></p> <p>Residence/Mailing Address <u>8635 North Stemmons Freeway Dallas Texas</u></p> <p>Inventor <u>Tan Huynh</u></p> <p>Residence/Mailing Address <u>2809 Naples Drive Hurst Texas</u></p> <p><input type="checkbox"/> Additional Inventors are named on separately numbered sheets attached hereto.</p>		<p>Citizenship <u>US</u></p> <p>Citizenship <u>US</u></p>
<p>Patent Number <u>5917455</u></p>		<p>Date of Patent Issued <u>June 29, 1999</u></p>
<p>I believe said inventor(s) to be the original and first inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled:</p> <p>Electrically Variable Beam Tilt Antenna</p>		
<p>the specification of which</p> <p><input type="checkbox"/> is attached hereto.</p> <p><input checked="" type="checkbox"/> was filed on <u>December 29, 2003</u> as reissue application number <u>10 / 747,818</u></p> <p>and was amended on <u>12/21/04 & 11/8/05</u> (if applicable)</p>		
<p>I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.</p> <p>I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.</p> <p><input type="checkbox"/> I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.</p> <p>I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)</p> <p><input checked="" type="checkbox"/> by reason of a defective specification or drawing.</p> <p><input type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent.</p> <p><input type="checkbox"/> by reason of other errors.</p>		

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This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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REISSUE APPLICATION DECLARATION BY THE ASSIGNEE

Docket Number (Optional)
7836-91082

At least one error upon which reissue is based is described as follows:

See attached sheet

[Attach additional sheets, if needed.]

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby appoint:

 Practitioners associated with Customer Number:

24628

OR

 Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Correspondence Address: Direct all communications about the application to:

 The address associated with Customer Number:

24628

OR

 Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application), or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signature

Laura Thomas

Date

2-29-08

Full name of person signing (given name, family name)

Laura J. Thomas, Assistant Secretary

Address of Assignee

Andrew Corporation, 3 Westbrook Corporation Center, Suite 900, Westchester, IL

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Reissue Application Declaration by the Assignee

At least one error upon which the subject non-broadening reissue application is based is described below:

We believe that the original '455 patent is partly inoperative or invalid by reason of a defective specification. We further believe that the '455 patent is partly inoperative or invalid due to an error which was committed without any deceptive intent. This reissue application is based on the error that the issued claims, and particularly issued claim 1, claims subject matter to which the patentees are not entitled; the patent is therefore defective in that the '455 patent claims more than the patentees had a right to claim.

Claim 1 in the subject patent claim the following:

1. An antenna assembly having an operating frequency and a vertical radiation pattern with a main lobe axis defining a downtilt angle with respect to the earth's surface, the antenna assembly comprising:

a plurality of antenna means in first, second, and third antenna groups disposed along a backplane, the backplane having a longitudinal axis along which the antenna means are disposed;

phase adjustment means disposed between the first and third antenna groups configured to simultaneously advance a phase angle of a signal to one of said first and third antenna groups and delay the phase angle of said signal to the other of said first and third antenna groups;

such that adjustment of the phase adjustment means results in variation of the vertical radiation pattern downtilt angle.

In order to make Claim 1 valid the claim must have limitations added that overcome the prior art. Claim 1 should instead read as follows:

1. A base station array [An] antenna assembly having an operating frequency and a vertical radiation pattern with a main lobe axis defining a downtilt angle with respect to the earth's surface, the antenna assembly comprising:

a plurality of antenna means in first, second, and third antenna groups physically disposed along a backplane, the backplane having a longitudinal axis along which the antenna means are disposed;

differential phase adjustment means electrically disposed on a path of transmission line means between the first and third antenna groups configured to simultaneously advance a phase angle of a signal to one of said first and third antenna groups and delay the phase angle of said signal to the other of said first and

third antenna groups;

such that adjustment of the phase adjustment means results in variation of the vertical radiation pattern downtilt angle between a fixed position and a second fixed position;

said differential phase adjustment means including coupling means arcuately moveable along an arcuate section of said transmission line means to cause said simultaneous advance of a phase angle of a signal to one of said first and third antenna groups and a delay of the phase angle of said signal to the other of said first and third antenna groups.

The underlined portion above showing the new limitations needed in claim 1 to make the claim valid; deletions are shown in brackets.

As noted in earlier responses to Office Actions in the present reissue, the subject matter above was added to overcome prior art cited. The above subject matter is disclosed in the specification; no new matter has been added.

We further believe that any errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without deceptive intent on anyone's part. This statement does not constitute a complete listing of the errors in the subject patent; it merely fulfills the requirements of 35 U.S.C. Section 251.

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Reissue Application Declaration by the Assignee

We hereby appoint all of the attorneys associated with Customer Number 24628 of the law firm of Husch Blackwell Sanders Welsh & Katz to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.